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|-----------------|-------------|----------------------|---------------------|------------------|
| 08/892,092      | 07/14/1997  | TAKU YAMAGAMI        | 35.G1994            | 6547             |

5514 7590 09/22/2005

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| EXAMINER |
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VILLECCO, JOHN M

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| ART UNIT | PAPER NUMBER |
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2612

DATE MAILED: 09/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

08/892,092

**Applicant(s)**

YAMAGAMI, TAKU

**Examiner**

John M. Villecco

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 07 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 58-61 and 64-71 is/are pending in the application.
- 4a) Of the above claim(s) 68-71 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 58-61 and 64-67 is/are rejected.
- 7) ☒ Claim(s) 58-61 and 64-67 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 July 1997 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Newly submitted claims 68-71 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons:

- Previously pending claims 58-61, 64, and 65, and new claims 66 and 67 are directed towards forming an image filename based upon information transferred from a memory card.
- Claims 68-71 are directed merely towards storing additional information in an application marker segment of a JPEG image file.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 68-71 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

### ***Claim Objections***

2. Claims 58-61 and 64-67 are objected to for the following reasons:

- In each of claims 58-61 and 64-67, applicant recites the phrase “instruction information”. However, it is clear from the specification that what is being retrieved from the detachable recording medium is not instruction information, but attribute information used in generating an image file name. The specification

does not describe the information transferred from the memory card as “instruction information”. As discussed on page 14 of the specification, the information being transferred from the memory card is described as “attribute information” or “file name constituting information”. Furthermore, this information transferred from the memory card does not contain instructions for naming the image file. It merely provides attribute information, used by instructions stored in the camera, to generate a file name.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 58-61, 64, and 65 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sakagami et al. (U.S. Patent No. 5,497,194) in view of Sarbadhikari et al. (U.S. Patent No. 5,477,264) and further in view of Kawamura et al. (U.S. Patent No. 5,899,581).**

5. Regarding **claim 58**, Sakagami discloses an electronic camera capable of selectably recording image or voice data. More specifically, Sakagami discloses a switch (18) for selectably choosing to record image data from the image pickup device (14) or voice data from the microphone (16), and a memory card (12) for recording the generated image or voice data. The camera (11) also includes the ability to read image and voice data from the memory card.

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Sakagami, however, fails to explicitly disclose retrieving instruction information pre-recorded in the detachable recording medium for determining a file name. Sarbadhikari, on the other hand, discloses that it is well known in the art to read out instruction information that is stored in a memory card, which is used in the processing of the image files. More specifically, Sarbadhikari discloses the use of "software enhancement" files which are uploaded to the camera firmware in order to enhance the software located in the camera. These enhancements include programs for processing the image data, as well as programs for adjusting the operating parameters of the camera. See column 7, line 55 to column 8, line 3 and column 8, line 50 to column 9, line 1. These files allow a camera's operation and abilities to be constantly upgraded or automatically adjusted. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to retrieve instruction information pre-recorded in a removable recording medium in order to upgrade or adjust the abilities of the camera in Sakagami.

The combination of Sakagami and Sarbadhikari, however, does not disclose using the instruction information to determine a file name, wherein the file name includes a leading portion comprising characters generated in accordance with the instruction information. Kawamura, on the other hand, discloses that it is well known in the art to generate image file names using characters in the leading portion and a serial number in the trailing portion. More specifically, Kawamura discloses a method of generating image file names which include a character or characters representing various characteristics of the captured image. For instance an image with a filename that begins with S is an image that is a single shot image. And an image with a filename that begins with a C is an image that is a continuous image. See column

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3, lines 15-22. This naming convention is done so different types of images are readily distinguished from each other (col. 3, lines 40-41). Therefore, when used with the teachings of Sakagami and Sarbadhikari (in particular), one of ordinary skill in the art would have found it obvious to update or upgrade the camera to provide the headings taught in Kawamura, so that the captured images could be easily distinguished from one another.

6. Regarding *claim 59*, Kawamura teaches that a plurality of characters could be used to distinguish each image (col. 5, lines 5-14). Additionally, Kawamura teaches that the characters precede the serial number. See Figures 2 and 8.

7. *Claim 60* is considered a method claim corresponding to claim 58. Please see the discussion of claim 58 on the preceding pages.

8. *Claim 61* is considered a method claim corresponding to claim 59. Please see the discussion of claim 59 above.

9. *Claim 64* is considered substantively equivalent to claim 58. Please see the discussion of claim 58 above.

10. *Claim 65* is considered substantively equivalent to claim 58. Please see the discussion of claim 58 above.

11. **Claims 66 and 67 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kawamura et al. (U.S. Patent No. 5,899,581) in view of Sarbadhikari et al. (U.S. Patent No. 5,477,264).**

12. Regarding *claim 66*, Kawamura discloses a camera capable of generating image file names based on a generation condition of a camera system at the time of image capture. More

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specifically, Kawamura discloses a method of generating image file names which include a character or characters representing various characteristics of the captured image. For instance an image with a filename that begins with S is an image that is a single shot image. And an image with a filename that begins with a C is an image that is a continuous image. See column 3, lines 15-22. Additionally, Kawamura discloses adding character information to an image file name based on the mode a camera was in during image capture. For instance, in a selected compression mode the character is L, M, or H, representing low, medium, or high compression. Inherently, the camera of Kawamura would include a selection means for selecting the camera mode or compression rate. This naming convention is done so different types of images are readily distinguished from each other (col. 3, lines 40-41).

Kawamura, however, fails to explicitly disclose retrieving the information that is pre-recorded in the detachable recording medium. Sarbadhikari, on the other hand, discloses a camera which has programs and data stored on a removable memory card which, when inserted into the camera, downloads operational information to the camera. More specifically, that it is well known in the art to read out instruction information that is stored in a memory card, which is used in the processing of the image files. More specifically, Sarbadhikari discloses the use of "software enhancement" files which are uploaded to the camera firmware in order to enhance the software located in the camera. These enhancements include programs for processing the image data, as well as programs for adjusting the operating parameters of the camera. See column 7, line 55 to column 8, line 3 and column 8, line 50 to column 9, line 1. These files allow a camera's operation and abilities to be constantly upgraded or automatically adjusted. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to

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retrieve instruction information pre-recorded in a removable recording medium in order to upgrade or adjust the abilities of the camera in Kawamura.

13. *Claim 67* is considered substantively equivalent to claim 66. Please see the discussion of claim 66 above.

14. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

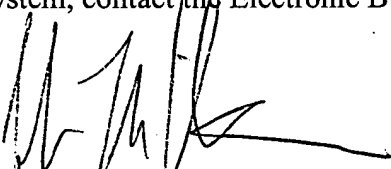
Any inquiry concerning this communication or earlier communications from the examiner should be directed to John M. Villecco whose telephone number is (571) 272-7319. The examiner can normally be reached on Monday-Friday.



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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber can be reached on (571) 272-7308. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



John M. Villecco  
September 13, 2005



THAI TRAN  
PRIMARY EXAMINER